



The Americans with Disabilities Act & Passenger Vessels Rule Making; Interim Rule & Request for Comments

REF: *Federal Register, Vol. 69, No. 227, Friday,
November 26, 2004 (Proposed Rules)*

OVERVIEW: The American Disabilities Act (ADA) of 1990 established guidelines for assuring minimum accessibility to facilities for people with disabilities. Government, State, local, and private entities were all effected. Passenger vessels and the facilities that serve them are also required to be accessible under the ADA, however guidelines for the passenger vessel sector are still in the developmental stage. This PREVENTION BULLETIN announces both the establishment of interim guidelines and solicitation for comments to the docket for drafting the final rule.

The Passenger Vessel Access Advisory Committee (PVAAC) provided their recommendations in December 2000 for ensuring ADA compliance. The final 2000 PVAAC report can be accessed via the following website: <http://www.access-board.gov/pvaac/commrept/index.htm>. The recommendations in the 2000 Final Report will be used as the foundation for developing final regulations for ADA compliance. All classes of commercial passenger vessels (Subchapters C, H, K, and T) were considered.

Two notices were published on November 26, 2004: Announcement of the publication of The Draft Guidelines for Passenger Vessels, and an Advance Notice of Proposed Rulemaking (ANPRM) for Small Passenger Vessels. The announcement seeks comments from all effected parties on (1) the recommendations made in the Draft Guidelines, and (2) specifically to the docket for the ANPRM for small passenger vessels. Comments are due no later than March 28, 2005.

Three options are presented in the ANPRM for consideration. For each of the options, the following areas should be evaluated:

- The feasibility of each option and the rationale for selecting one option over another;
- How a selected option should be modified to correct any identified weaknesses;

- Data relating to the costs and benefits of each of the options; and
- Recommendations on other ways to address the accessible design, construction, and alteration of smaller passenger vessels.

Please refer to the Federal Register for details of the three (3) options.

ACCESSING THE GUIDELINES & FEDERAL REGISTER:

GUIDELINES: Web site to access copy of the final report "Recommendations for Accessibility Guidelines for Passenger Vessels": <http://www.access-board.gov/pvaac/commrept/index.htm>

FEDERAL REGISTER:

Draft guidelines for access to and in passenger vessels permitted to carry more than 150 passengers or more than 49 overnight passengers: [69 Fed. Reg. 69243](http://www.fedreg.gov/69/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-26000.pdf)
<<<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-26000.pdf>>>

Passenger vessels that carry up to 150 passengers or that have accommodations for no more than 49 overnight passengers: [69 Fed. Reg. 69245](http://www.fedreg.gov/69/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-25999.pdf)
<<<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-25999.pdf>>>

SUBMITTING COMMENTS: Due no later than March 28, 2005.

- Mail comments to: Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000., Washington, DC 20004-1111
- E-mail Submission: pvag@access-board.gov

RELATED NOTE: In a related development, the Department of Transportation is seeking comment on development of a formal policy regarding nondiscrimination on the basis of disability for passenger vessels subject to the Access Board



guidelines. Comments should be submitted by March 28, 2005. [69 Fed. Reg. 69246](http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-26093.pdf)
<<<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2004/pdf/04-26093.pdf>>>
(November 26, 2004).

FOR FURTHER INFORMATION CONTACT: Paul Beatty, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street NW, Suite 1000., Washington, DC 20004-1111; Ph: (202) 272-0012, Ph TTY (202) 272-0082; e-mail: pvag@access-board.gov

Local Point of Contact: LT Chance Greene at (718) 354- 4008.

MTSA Compliance Update:

Alternative Security Plan (ASP) and MARAD: MTSA Security Training Course

Operators participating in an approved ASP are reminded to ensure that their ASP remains in good standing. Many ASPs require that the vessel owner/operator be an active member of the organization in good standing. The ASP organizations provide various certificates stating that the ASP remains valid. The Coast Guard will request to see validity documentation for ASP holders during boardings and inspections. Please ensure these documents are up to date and available for review onboard your vessel(s).

The MARAD announced in Federal Register Vol. 70, No. 25, Tuesday, February 8, 2005 a voluntary program for approval of MTSA maritime security training courses. Training providers wishing to apply for approval should access the program details via the MARAD website at: <http://www.marad.dot.gov/MSTCourses/MTSA109maradwebpg.htm>.

ANNOUNCEMENTS:

Passenger Vessel Industry Day

The Coast Guard is in the initial stages of organizing a Passenger Vessel Industry Day. This announcement solicits feedback from the passenger vessel industry. Specifically, we are interested in:

- (1) What topics is the industry most interested in hearing about?
- (2) What would be the best timing for this all day event: In April or May on a Tuesday, Wednesday, or Thursday? What's the best start time?
- (3) Any other comments that may be useful in making this event a success.

Please e-mail your comments to: Actny-MSO@d1.uscg.mil, or regular mail to the attn of Mr. R. Castillo, U.S. Coast Guard New York, 212 Coast Guard Dr, Staten Island, NY 10305.

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